

H.R. 2944
AMENDMENTS TO AMENDMENT IN THE NATURE
OF A SUBSTITUTE
OFFERED BY MR. PICKERING

Page 18, after line 3, insert the following paragraph
(and redesignate subsequent paragraphs accordingly):

1 “(32) MARKET PARTICIPANT.—The term ‘mar-
2 ket participant’ means any entity that generates,
3 sells, or aggregates electric power (other than State-
4 ordered transition or default service) that is trans-
5 mitted on the transmission system operated by a re-
6 gional transmission organization. Any entity that is
7 the owner of the regional transmission organization
8 and does not generate, sell, or aggregate electric
9 power shall not be considered a market participant,
10 except that an entity is not a market participant by
11 reason of providing state-ordered transition service,
12 default service, or generation service necessary to
13 provide reactive power or such other generation serv-
14 ice incidental to provide transmission service.

Page 19, line 17, strike “two” and insert “one”.

Page 19, line 24, insert after the period the follow-
ing: “If a transmitting utility applies to establish or join

a regional transmission organization that meets the standards in paragraph (2), the Commission shall have no authority to require the transmitting utility to participate in a different regional transmission organization. Nor shall the Commission have the authority to add terms or conditions different from those in such application without affording a transmitting utility the opportunity of withdrawing from the transmission organization if it finds those additional terms and conditions to be unacceptable.”.

Page 20, line 11, strike “independent,” and insert “independent of all market participants,”.

Page 20, line 12, strike “entity or class of entities” and insert “market participant or class of market participants”.

Page 20, line 14, add after the period the following: “For purposes of determining whether a regional transmission organization is independent of all market participants, ownership of passive, nonvoting interests in a regional transmission organization, or ownership of 5 percent or less the voting interests in the regional transmission organization, shall be deemed not to confer control over the regional transmission organization for purposes of this subparagraph. For purposes of this sub-

paragraph, the term ‘voting interest’ shall not include the right to participate in major organic corporate changes to the regional transmission organization that affect the ownership status of the nonvoting interests.”.

Page 22, strike lines 1 through 4.

Page 23, after line 2, insert the following paragraph (and redesignate subsequent paragraphs accordingly):

1 “(5) EXISTING REGIONAL TRANSMISSION ORGA-
2 NIZATION.—Nothing in this subsection authorizes
3 the Commission to require any change in a regional
4 transmission organization or comparable organiza-
5 tion approved by the Commission or in operation be-
6 fore the date of enactment of this subsection, except
7 that any transmitting utility that is a member of
8 such organization may file an application pursuant
9 to this subsection to join another regional trans-
10 mission organization or to seek changes to any exist-
11 ing organization of which it is a member.”.

Page 23, line 5, insert “transmitting utilities who have joined” before “regional”.

Page 24, after line 7, insert the following subparagraph (and on line 7 strike the period and insert “; and” and on line 2 strike “and” after the semicolon):

1 “(F) provide enhanced returns on equity
2 for investing in transmission and related facili-
3 ties that the Commission determines signifi-
4 cantly improves the operational reliability of the
5 transmission grid.”.